

### REMARKS

This paper is responsive to an Office Action mailed March 7, 2006. Prior to this response, claims 1-47 were pending. After amending claims 1, 25, and 41, claims 1-47 remain pending.

The Office Action objects to a spelling error on page 5 of the specification. In response, the specification has been amended to replace the word "kink" with -link--.

The Office Action objects to a double semicolon in claim 41. In response, claim 41 has been amended to remove a semicolon.

The Office Action has rejected claims 1-47 under 35 U.S.C. 103(a) as unpatentable with respect to Aggarwal (US 6,985,944) in view of Mandal et al. ("Mandal"; US 6,170,009). With respect to claims 1 and 25, the Office Action acknowledges that Aggarwal fails to disclose the selection of a query policy. The Office Action states that Mandal discloses the selection of a query policy, and that it would have been obvious to one with skill in the art to combine the teaching of Mandal with Aggarwal, to provide Aggarwal's system with a mechanism to specify a high-level policy for monitoring and controlling devices connected to a network. This rejection is traversed as follows.

An invention is unpatentable if the differences between it and the prior art would have been obvious at the time of the invention. As stated in MPEP § 2143, there are three requirements to establish a *prima facie* case of obviousness.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack* 947 F.2d 488, 20 USPQ2d, 1438 (Fed. Cir. 1991).

Generally, Aggarwal discloses a method of distributed data collection that permits system fault and performance monitoring to be collected in a central configuration database (Abstract). At col. 1, ln. 64-66, Aggarwal describes a fault management system that can query the state of a device and trigger upon a state change of threshold violation. At col. 8, ln. 50, through col. 9, ln. 14, Aggarwal describes a conventional SNMP network management protocol, to facilitate communication between a managed device with an SNMP agent, and an SNMP manager. The SNMP agent provides access to data stored in the managed device, and the manager uses to data access to control the managed device. At col. 5, ln. 60 through col. 6, ln. 5, Aggarwal discloses a data gathering operation that is preferably performed by discovery, which the Applicant notes is a conventional SNMP operation.

Generally, Mandal discloses a system of network control, which permits a user to specify a high-level policy for controlling the actions of a group of network-connected devices (Abstract). At col. 1, ln. 53-67, Mandal discloses a high-level policy that is translated into lower-level commands that are delivered to devices. At col. 3, ln. 51-66. Mandal discloses a GUI that accepts commands to specify a high-level policy for controlling the actions of devices. Unlike Aggarwal's Physical level SNMP communications protocol, Mandal discloses a more abstract policy GUI (e.g., Application level - in context of the OSI 7-layer model) that is

concerned with distributing content to network-connected devices. For example, an example is given of a user command that will not permit the system to communicate more than 30% video traffic (col. 3, ln. 56-58). Alternately stated, Mandal's concept of policy is the establishment of system-wide behavior, not the definition of communication protocols between devices.

With respect to the first *prima facie* requirement to support as case for obviousness, there is no teaching in the Mandal reference that suggests a modification to Aggarwal that makes the claimed invention obvious. Aggarwal discloses conventional SNMP management. As noted in the Applicant's Background Section (page 1, ln. 22 through page 2, ln. 13), there is more than one method for communicating between managers and managed devices, and the SNMP protocol does not guarantee that an appropriate method is always selected. In contrast, the claimed invention makes the selection of a particular device communication method dependent upon a selected communication-related policy (e.g., response time v. reliability). Mandal does not suggest any modification to Aggarwal's SNMP protocol or to the *method* of communicating with devices, as Mandal is more concerned with message content. That is, Mandal does not suggest that Aggarwal's SNMP protocol be modified to a protocol that selects a communication query method as a result of first selecting a device communications query policy.

Considered from a different perspective (the second *prima facie* requirement), even if an expert were given the Mandal and Aggarwal disclosures at the time of the invention, no expectation has been demonstrated in either Office Action or references themselves, that Aggarwal's conventional SNMP policy can be modified into one that uses a

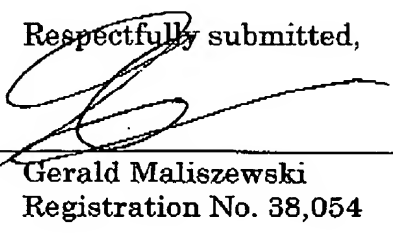
method of communicating with a device, chosen as a result of initially selecting a device communications query policy.

With respect to the third *prima facie* requirement, even if the references are combined, that combination does not disclose all the elements of the invention of claims 1 and 25. Neither reference describes a method (or manager) that selects a device communications query policy, which is cross-referenced to methods for communicating the query, and that sends the query using a method responsive to the selected query policy. As noted above, SNMP protocol (Aggarwal) does not select a query policy, and Mandal only describes the implementation of policy at higher Application levels. Therefore, the combination of Aggarwal with Mandal does not explicitly describe every limitation of claims 1 and 25. Neither does the combination suggest modifications that makes these missing limitation obvious. Claims 2-24, dependent from claim 1, and claims 26-47, dependent from claim 25, enjoy the same distinctions from the cited prior art, and the Applicant respectfully requests that the rejection be removed.

It is believed that the application is in condition for  
allowance and reconsideration is earnestly solicited.

Respectfully submitted,

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